

GENERAL ORDERS, }  
No. 101.

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, April 25, 1863.

I. The proceedings of a Military Commission convened at Memphis, Tennessee, on the — day of February, 1863, by virtue of Special Orders, No. 3, dated November 28; No. 8, dated December 3; and No. 30, dated December 29, 1862, from the Headquarters District Memphis, and before which was tried *M. Brozman*, have been submitted to the Secretary of War.

It does not appear from the record of proceedings that the Commission or the Judge Advocate were sworn in presence of the accused. In consequence of this and other irregularities in the case, the sentence is reversed and set aside.

II. The proceedings of the Court Martial in the case of Captain *Thomas Saville*, 1st Maryland Volunteers, promulgated in General Orders, No. 28, from the Headquarters Middle Department, dated April 9, 1863, not having been approved by the officer who ordered the Court, the sentence in his case is inoperative. The dismissal of Captain Saville will therefore take the date, February 22, 1863, given in Special Orders, No. 130, of March 20, 1863, from the War Department.

III. The sentence "*to be cashiered*," awarded 1st Lieutenant *Hermann Grozkordt*, 9th Ohio Volunteers, and "*commuted to a forfeiture of three months' pay proper*" in General Orders, No. 36, of March 1, 1863, from Headquarters Department of the Cumberland, is hereby remitted. The Department Commander could not legally commute the sentence of the Court. Under the 89th Article of War, he could only suspend it, and recommend its remission or mitigation by the President of the United States.

IV. The proceedings of the Military Commission, assembled by Special Orders, No. 162, from Headquarters Department of the South, dated July 2, 1862, in the case of Mr. *H. J. Sedgwick*, having been submitted for the action of the President, it is ordered that the sentence against him be remitted.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,  
Assistant Adjutant General.